

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

THE UNITED STATES OF AMERICA, for
the use and benefit of
MESA VERDE ENTERPRISES, INC.,
a New Mexico corporation, and
MESA VERDE ENTERPRISES, INC.,
a New Mexico corporation.

Plaintiffs,

v.

NO.: 2:11-cv-00180-MV-CG

SOUTHWEST CONCRETE PAVING CO.,
an Arizona corporation,
TOLTEST, INC., an Ohio corporation,
FIDELITY AND DEPOSIT COMPANY OF
MARYLAND, a Maryland corporation, and
ZURICH AMERICAN INSURANCE COMPANY,
a New York corporation,

Defendants.

SOUTHWEST CONCRETE PAVING CO.,
an Arizona corporation,

Counterclaimant,

MESA VERDE ENTERPRISES, INC.,
a New Mexico corporation,

Counterdefendant.

ORDER EXTENDING DISCOVERY DEADLINE

THIS MATTER comes before the Court on the parties' *Joint Motion to Continue Depositions*. (Doc. 57). The Court, having considered the motion, the relevant law, and otherwise being fully advised in the premises, construes the motion as a request to extend discovery and **FINDS** that the motion should be **GRANTED**.

The deadline to complete discovery in this case is November 21, 2011. (Doc. 26 at 1). The parties state that, due to extenuating circumstances, Defendant Toltest has been unable to produce all discovery responses by this date. (Doc. 57 at 2). Three depositions have had to be rescheduled pending receipt of Defendant Toltest's discovery responses. (*Id.*). Defendant Toltest has promised to produce the discovery by November 30, 2011, and the three depositions have been rescheduled for early December. (*Id.*). Although labeled as a *Motion to Continue Depositions*, the parties are requesting that discovery be extended with respect to Defendant Toltest's responses and the three depositions. (*Id.* at 2-3). The Court finds good cause to grant the extension.

IT IS THEREFORE ORDERED that the parties' *Joint Motion to Continue Depositions*, (Doc. 57), which the Court construes as a motion to extend discovery, be **GRANTED**.

IT IS FURTHER ORDERED that:

- A. Discovery shall be extended with respect to Defendant Toltest's responses and the three depositions until December 19, 2011.
- B. All other dates set forth in the Court's May 24, 2011, Scheduling Order, except for the motions to compel or protective orders arising out of the three depositions and the above-described written discovery, shall remain in full force and effect.



THE HONORABLE CARMEN E. GARZA
UNITED STATES MAGISTRATE JUDGE